

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DENNIS RUSSELL SHELBY,)
)
Petitioner,)
)
vs.) Case No. CIV-05-479-M
)
MARTY SIRMONS, Warden,)
)
Respondent.)

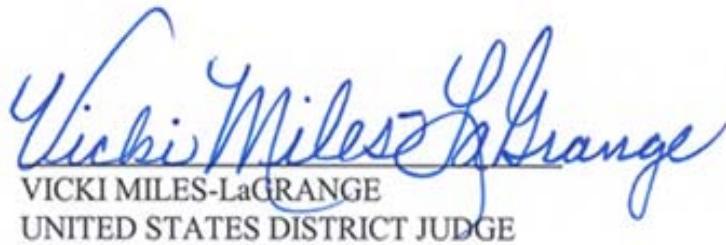
ORDER

On July 29, 2005, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation [docket no. 14] in this federal habeas action brought pursuant to 28 U.S.C. § 2254. Magistrate Judge Couch recommends that Petitioner's Petition for Writ of Habeas Corpus be dismissed as untimely pursuant to 28 U.S.C. § 2244(d). The parties were advised of their right to object to the Report and Recommendation by August 18, 2005. Petitioner timely filed an objection.

The Court has carefully reviewed this matter de novo. The Court agrees with Magistrate Judge Couch's Report and Recommendation in all respects. Accordingly, the Court hereby:

- (1) ADOPTS Magistrate Judge Couch's July 29, 2005 Report and Recommendation, and
- (2) DISMISSES Petitioner's Petition for Writ of Habeas Corpus [docket no. 1] as untimely.

IT IS SO ORDERED this 18th day of August, 2005.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE